REMARKS

This amendment is submitted in reply to the Office Action dated February 23, 2007. Claims 1-21 currently stand rejected. Applicant has amended independent claims 1, 10 and 19-21 to more particularly distinguish the claimed invention from the cited references. Claims 5, 6, 11, 12, 15 and 16 have been amended for consistency of terminology and the scope of these respective claims has not been changed by the amendment. Claims 13 and 14 have been canceled. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §102

Claim 20 currently stands rejected under 35 U.S.C. §102(e) as being anticipated by Logan et al. (U.S. Patent Application Publication No. 2005/0153729, hereinafter "Logan"). Claims 20 and 21 currently stand rejected under 35 U.S.C. §102(b) as being anticipated by Akahane (U.S. Patent No. 5.881.104).

As an initial matter, Applicant respectfully notes that Logan is directed to a rule based control system for storage and transmission of voice mail messages and not SVMS messages as recited in the claimed invention. Additionally, Akahane is directed to a system for enabling a user to select a data compression technique to use to create a digitized voice message and is also unrelated to SVMS messages as recited in the claimed invention. Independent claims 20 and 21 have each been amended to recite, *inter alia*, the SVMS message being defined as a message including packetized voice data configured to be deliverable to a plurality of recipients as a result of a single transmission from the originating station. Neither Akahane nor Logan is related to packetized voice data messages that are configured to be deliverable to multiple recipients as a result of a single transmission from the originating station. As such, both Akahane and Logan, which are not related to SVMS messages as defined in the claimed invention, fail to teach or suggest the above recited feature of independent claims 20 and 21.

Furthermore, Applicant respectfully notes that independent claim 20 has been further amended to recite, *inter alia*, that the SVMS message is deliverable to the target station in

response to a determination that the target station is capable of receiving the SVMS message. However, neither Logan nor Akahane provide any disclosure in this regard. Thus, both Logan and Akahane fail to teach or suggest that the SVMS message is deliverable to the target station in response to a determination that the target station is capable of receiving the SVMS message as recited in independent claim 20. Notably, although not cited in combination, the combination of Logan and Akahane also fails in this regard. Thus, independent claim 20 is novel and non-obvious in view of Logan and Akahane, either individually or in combination. Independent claim 21 has been similarly amended with respect to an apparatus capable of determining whether the target station is capable of receiving the SVMS message and is therefore patentable over Logan and Akahane, either individually or in combination, for the same reasons given above for independent claim 20.

Accordingly, for all the reasons stated above, Applicant respectfully submits that the rejections of claims 20 and 21 under 35 U.S.C. §102 are overcome.

Claim Rejections - 35 USC §103

Claims 1, 2, 10 and 19 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Baker (U.S. Patent No. 6,507,735) in view of Akahane. Claims 1-10 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Baker in view of Logan. Claims 11-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Baker in view of Logan and further in view of Smith et al. (U.S. Patent No. 6,891,811, hereinafter "Smith"). As stated above, claims 13 and 14 have been canceled, without prejudice, and thus the rejections of claims 13 and 14 are now moot.

As also stated above, neither Akahane nor Logan teaches or suggests that the SVMS message being defined as a message including packetized voice data configured to be deliverable to a plurality of recipients as a result of a single transmission from the originating station or that the SVMS message is deliverable to the target station in response to a determination that the target station is capable of receiving the SVMS message as recited in independent claim 20. Independent claims 1, 10 and 19 include similar recitations to those of independent claim 20 with

regard to the recited features above. Thus, Akahane and Logan each also fail to teach or suggest the above recited features of independent claims 1, 10 and 19.

Baker is directed to a system capable of receiving voice messages and delivering the messages to wireless nodes as a text message in the form of a short message. However, the voice messages of Baker are intended for a specific user. Thus, Baker is also not related to SVMS messages that are defined as a message including packetized voice data configured to be deliverable to a plurality of recipients as a result of a single transmission from the originating station as recited in independent claims 1, 10 and 19. Baker also provides no teaching or suggestion regarding a determination as to whether the target station is capable of receiving the SVMS message as provided in independent claims 1, 10 and 19 and was not cited as such.

Smith is directed to a short messaging service center including a gateway for translating between wireless mobile originated commands and an application server on the internet. Thus, Smith is also not related to SVMS messages that are defined as a message including packetized voice data configured to be deliverable to a plurality of recipients as a result of a single transmission from the originating station as recited in independent claims 1, 10 and 19. Moreover, although Smith was previously cited as disclosing the feature of determining if the target station is SVMS capable, it is respectfully submitted that since Smith is unconcerned with SVMS messages as defined in the claimed invention, Smith necessarily fails to teach or suggest determining if the target station is SVMS capable. Furthermore, even if it were assumed that Smith was related to SVMS messages as provided in the claimed invention, Smith still fails to teach or suggest the feature of determining if the target station is SVMS capable. In this regard, the Office Action cited col. 3, line 66 to col. 4, line 14 and col. 4, lines 15-35 as disclosing determining if the target station is SVMS capable. However, the cited passages only refer to determining if the subscriber is available (i.e., that the user is not out of the service area). The capability of the device with respect to receiving any type of message, much less an SVMS message, is not addressed in either the cited passages or any other portion of Smith. Thus, in any case, Smith fails to teach or suggest the feature of determining if the target station is SVMS capable as generally set forth in independent claims 1, 10 and 19.

Since none of the cited references teach or suggest that the SVMS message being defined as a message including packetized voice data configured to be deliverable to a plurality of recipients as a result of a single transmission from the originating station or that the SVMS message is deliverable to the target station in response to a determination that the target station is capable of receiving the SVMS message as recited in independent claims 1, 10 and 19, any combination of the cited references also fails to teach or suggest the above recited features of independent claims 1, 10 and 19. Independent claims 1, 10 and 19 are therefore patentable over the cited references taken either alone or in combination. Claims 2-9, 11, 12 and 15-18 depend either directly or indirectly from independent claims 1 and 10, respectively, and thus include all the recitations of their respective independent claims. Dependent claims 2-9, 11, 12 and 15-18 are therefore patentable over the cited references, either alone or in combination, for at least the same reasons given above with respect to independent claims 1 and 10.

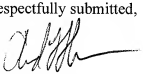
Accordingly, for all the reasons stated above, the rejection of claims 1-12 and 15-19 are overcome.

CONCLUSION

In view of the amendments and the remarks presented above, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Chad L. Thorson
Registration No. 55,675

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

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